

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIKE PEREZ,	:	CIVIL ACTION NO. 1:04-CV-1944
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 21st day of July, 2005, upon consideration of correspondence from plaintiff (Doc. 87), dated June 25, 2005, and addressed to the attention of the Clerk of Court, in which plaintiff requests "to stay" proceedings on plaintiff's motion for reconsideration (Doc. 83) and on defendant's motion for summary judgment (Doc. 22) pending plaintiff's transfer to another corrections facility, and it appearing that the motion for reconsideration (Doc. 83) was denied by prior order of court (Doc. 86) and that plaintiff was granted by prior order of court (Doc. 65) a stay of proceedings on defendant's motion for summary judgment (Doc. 22) pending further discovery and was directed to file a brief in opposition to the motion on or before July 15, 2005 (Doc. 65), it is hereby ORDERED that:

1. The correspondence (Doc. 87) is CONSTRUED as a motion for an enlargement of time in which to file a brief in opposition to the motion for summary judgment. See FED. R. CIV. P. 6(b).
2. The motion (Doc. 87), as construed in this order, is GRANTED in part and DENIED in part as follows:

- a. Plaintiff shall file a brief in opposition to the motion for summary judgment (Doc. 22), accompanied by supporting exhibits and a responsive statement of material facts, on or before August 29, 2005. See FED. R. CIV. P. 56; L.R. 7.6, 56.1.
- b. Failure to file a timely brief in opposition to the motion for summary judgment (Doc. 22) shall result in dismissal of the above-captioned case for failure to prosecute. See FED. R. CIV. P. 41(b).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge